

Jantra Van Roy
Robert Guttmann

ZEICHNER ELLMAN & KRAUSE LLP

Attorneys for U.S. Bank, N.A. as Trustee, Homecomings Financial, LLC (s/h/a Homecomings Financial), GMAC Mortgage, LLC, (s/h/a GMAC Mortgages, Presidents, Officials, Partners, and/or Shareholders, Investors, Mortgage Brokers, Appraisals, Staff Officers, Officials)

575 Lexington Avenue
New York, New York 10022
(212) 223-0400

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

We the people

RAMON QUIROZ, HELEN QUIROZ and
JESSICA ANGEL QUIROZ,

Plaintiffs,

- against -

U.S. BANK NATIONAL ASSOCIATION as
trustee: NEW CENTURY MORTGAGE CORP,
HOMECOMINGS FINANCIAL; GMAC
MORTGAGES, PRESIDENTS, OFFICIAL
PARTNERS, and/or SHAREHOLDERS,
INVESTORS, MORTGAGE BROKERS,
APPRaisALS, STAFF OFFICERS,
OFFICIALS and STEVEN J. BAUM, P.C.,

Defendants.

Case No.: 10 CV 2485
(KAM)(JMA)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the Declaration of Robert Guttmann
dated September 28, 2010, and the exhibits annexed thereto; and the accompanying
Memorandum of Law and the Notice Pursuant To Local Civil Rule 12.1 of the Civil
Rules of the Eastern District Court Of New York; and upon all prior pleadings and

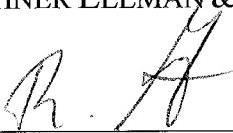
proceedings had herein, the undersigned attorneys for defendants U.S. Bank, National Association, as Trustee (“Trustee”), Homecomings Financial, LLC (s/h/a as Homecomings Financial) (“Homecomings”) and its affiliate GMAC Mortgage LLC (s/h/a GMAC Mortgages, Presidents, Officials, Partners, and/or Shareholders, Investors, Mortgage Brokers, Appraisals, Staff Officers, Officials) (“GMAC”, and collectively with the Trustee and Homecomings, the “Lender Defendants”) will move before this Court at the 225 Cadman Plaza East, Room 605N, Brooklyn, New York, to dismiss the plaintiffs’ complaint pursuant to Rule 12 of the Federal Rules of Civil Procedure, and granting such other and further relief as this Court may deem just and proper.

Please take further notice that answering papers, if any, are to be served on the undersigned no later than October 19, 2010.

Dated: New York, New York
September 28, 2010

ZEICHNER ELLMAN & KRAUSE LLP

By:


Jantra Van Roy

Robert Guttmann

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